

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,)	
)	
v.)	
)	2:15-cr-193
ANN E. HARRIS,)	
Defendant)	

DEFENDANT'S SENTENCING MEMORANDUM

Ann Harris was born on October 3, 1961. Mrs. Harris is 62 years old. Mrs. Harris has been married to her husband, Richard Harris¹, for 36 years. The couple has once child, a daughter, Rachel², age 35. Rachel is the mother of 2 small children. In 1981, at age 20, Mrs. Harris began working as a secretary for Cigna Insurance. While in that job, Mrs. Harris met Joseph Nocito. Mr. Nocito at that time was working for Connecticut General Insurance.

In 1982, at age 21, Mrs. Harris began working as Mr. Nocito's secretary at Automated Health Systems, Inc. By 1990, Mrs. Harris was Mr. Nocito's administrative assistant. Mrs. Harris remains in that position.

On November 24, 2015, before the Honorable Mark R. Hornak, Mrs. Harris entered into a plea of guilty to the following class D Felony of Conspiracy:

January of 2006 and continuing thereafter until on or about April 15, 2013, here in the Western District of Pennsylvania and elsewhere that you knowingly and willfully did conspire, combine, confederate and agree with individuals known and unknown to the United States Attorney, including at least one other

¹ A letter of November 20, 2023, from Richard Harris, will be sent as a Supplement to this Memorandum.

² A letter of November 20, 2023, from Rachel Harris, will be sent as a Supplement to this Memorandum

co-conspirator, to defraud the United States by impairing, impeding or obstructing the lawful Government functions of the Internal Revenue and the ascertainment, computation, assessment and collection of federal income taxes, all in violation of Title 18 of the US Code, Section 371.

The beneficiary and only charged co-conspirator is Joseph Nocito. Mrs. Harris' personal income taxes have never been at issue.

Both before and after entering her plea of guilty, Mrs. Harris provided substantial assistance in the prosecution of Joseph Nocito at CR18-35 as follows:

A. Pre-Guilty Plea

(1) On January 8, 2015 met with IRS Investigative Agent Drew Zurovcik and AUSA Mary Houghton, and was completely debriefed;

(2) On February 18, 2015 met with Agent Zurovcik and AUSA Houghton, and was completely debriefed.

B. Post-Guilty Plea

(1) On January 3, 2018 met with Agent Zurovcik and AUSA Houghton, and was prepped for grant jury testimony;

(2) On January 9, 2018, testified before the grand jury;

(3) On June 22, 2021, met with Agent Zurovcik and AUSA Gregory Melucci, and assisted in the Government's preparation for trial;

(4) On July 27, 2021, met with Agent Zurovcik and AUSA Melucci, and assisted in the Government's preparation for trial;

(5) On June 16, 2022, met with Agent Zurovcik and AUSA

Melucci, and assisted in the Government's preparation for trial.

In addition, after the guilty plea of Mr. Nocito, but before the sentencing, Mrs. Harris had at least one telephone conference with Agent Zurovcik, and assisted in the Government's preparation for the sentencing.

Mrs. Harris' life, except for this offense, has been exemplary as a citizen, a wife, and a mother. Mrs. Harris' Offense Level (21) and Criminal History Category (I) puts her at 37 months to 46 months in the Sentencing Table. That is before Mrs. Harris is credited under Section 5K1.1 of the Sentencing Guidelines. On November 17, 2023 the Government filed a detailed, expansive 5K1.1 motion in support of Mrs. Harris. Thus, this sentencing is totally at judicial discretion.

The principal transgressor here is Joseph Nocito, who received a sentence on September 18, 2023, of one year and one day of imprisonment followed by three years of Supervised Release. Given that sentence, and the complete cooperation of Mrs. Harris in the prosecution and sentencing of Mr. Nocito, no sentence of confinement would be fair to Mrs. Harris. Moreover, since Mrs. Harris was charged by Information on September 3, 2015 to this date, she has been on bond for more than eight years.

Mrs. Harris has not once violated the terms of her bond. Of note, Mrs. Harris entered her Change of Plea on November 24, 2015, eight years ago. Typically, Mrs. Harris would have been sentenced as soon as Mr. Nocito was sentenced. That took almost eight years instead of one to two years. Throughout the more than eight years that Mrs. Harris has been on bond, Mrs. Harris has not only repeatedly and fully cooperated with the Government, but Mrs. Harris has also been under Government supervision.

Every time Mrs. Harris wished to take even a short trip with her husband, or to visit her daughter in West Virginia, an Order after Motion had to be entered by President Judge Hornak³. Mrs. Harris has always wanted to take a trip to Europe with her husband, but, because of this case, Mrs. Harris has not even applied for a passport.

If past is prologue, Mrs. Harris is in need of no further Government supervision. Mrs. Harris is not at risk to reoffend in any capacity. The Government's 5K1.1 Motion is a testament to Mrs. Harris, and her full cooperation for eight years.

Therefore, it is Defendant's request that she be sentenced to No Further Penalty, and that the case be closed.

Respectfully Submitted,



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³ Mrs. Harris made short trips to West Virginia to visit with her daughter and grand child so often that Judge Hornak entered an Order sua sponte that Mrs. Harris could visit her daughter in West Virginia any time.